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New deans take office for year

Professors Mary Kay Kane and John Diamond have joined the administration as Acting Academic Dean and Associate Academic Dean, respectively.

As Acting Academic Dean for the 1987-88 year, Kane is primarily responsible for supervising the College's academic program, including faculty hiring and curriculum changes. According to Kane, up to four new faculty members may be hired in the coming months. Since the California Legislature has required the Board of Directors to reduce student enrollment in order to improve Hastings' fiscal outlook, the faculty to student ratio will be further improved. Reductions made this year reduced first year sections from about 90 students last year to roughly 70.

Kane also announced that the faculty approved an additional writing requirement effective with the Class of 1990. These students will be required, in addition to all current requirements, to take a seminar which contains a "substantial writing requirement."

While Kane is perhaps best known for her co-authorship of the definitive hornbook on civil procedure, during her recent sabbatical she also wrote a comparative piece on enforcing United States judgments abroad. She also recently published a lecture at Northern Kentucky University



Dean Mary Kay Kane

FEATURES

Echo & Bunnymen cut memorable album.

... see page 5.

FORUM

Anti-Bork fanatics demonstrate hypocrisy in action.

... see page 9.

Hastings Law News

San Francisco, California

Volume 21, Number 1

September 17, 1987

Prunty allowed to resign

Board fires Prunty, then rescinds acts

Apparently acting rashly and then regretting it, the Board of Directors this summer first fired former Dean Prunty and then rescinded the firing and accepted Prunty's resignation.

Last spring the Board fired Prunty effective July 1, and then moved up the termination date to late May so

that Prunty could not officiate at Commencement. Prunty, a tenured faculty member, attended the ceremony and conferred one diploma to a student who requested the action as she approached the podium.

The Board fired Prunty after alleging that he had mismanaged close to \$250,000 in funds in the Dean's Discretionary Account. The Board rescinded the firing at its meeting on July 26 and announced that it accepted his resignation "based upon a comprehensive agreement that was reached on terms acceptable to all."

Immediately, some observers noted that the Board had bargained its way out of a lawsuit. Prunty's lawyers, sole practitioner Ephraim Margolin and Jeffrey W. Shopoff of Feldman, Waldman & Kline, hinted earlier

that Prunty might sue alleging libel and wrongful termination. Margolin did not say whether the agreement with the Board precluded future legal action.

One faculty member who requested anonymity said that the Board was "rewriting history."

Dean Daniel Lathrope said on July 26 that Prunty will remain on the faculty and will resume teaching in the fall of 1988.

At an August 10 meeting, the Board approved austerity measures designed to improve the College's fiscal outlook. Hastings has been told to repay nearly \$3 million used to buy real estate from a restricted scholarship fund account and the College budget has consequently been impaired (see related story, this page).

The Board approved a re-

duced \$15 million budget and imposed a freeze on hiring new personnel, paying overtime and buying capital equipment. Chief Financial Officer Robert Kerley said the budget included a shortfall of about \$700,000.

Kerley, who was hired for an indefinite time and salary last spring to guide College financial operations, recommended that the College lobby the Legislature for additional funds to help make up the shortfall, which was partially caused by an inaccurate estimate of the number of out-of-state students who would enroll and pay higher tuition.

The Board also voted to raise rents at McAllister tower 6% next year, saying that a larger increase may be necessary next year. The Tower was \$67,000 in the

continued on page 3



Dean John Diamond

called "The Lawyer as Litigator in the 1980's." Kane continues to teach one Civil Procedure class.

Diamond, as the new Associate Academic Dean, is the principal liaison between students and faculty. Diamond believes that "the experience of going to law school involves being part of a community, and I want to help develop that community." Diamond encourages students to stop by his office.

Diamond's last published work was on the modern definition of kidnapping. Diamond is also captain of the faculty softball and volleyball teams.

West Block stalled again

By Chris Palermo
Editor-in-chief

Progress on development of the West Block properties owned by Hastings stalled again at a Board of Directors meeting held July 24 due to a possibly adverse court of appeals ruling.

The Board met to consider whether to submit the final Environmental Impact Report (EIR) on the property to the state for approval, but Don Patch, counsel to the Board for the EIR, recommended delaying submission until September 25. The College plans to build a six-story office building on the property for mixed academic and State use.

Further controversy erupted last year when a

State audit requested by Art Agnos revealed that the Board of Directors during the administration of former Dean Marvin Anderson had used several million dollars in restricted scholarship funds to buy West Block real estate in the early 1970s. The Board is struggling to find ways to repay the funds and has considered selling off West Block property or using rents from the new building for payment.

In a July 10 ruling the California First District Court of Appeal rejected UCSF Medical Center's final report on plans for biomedical research in the Laurel Heights neighborhood. The court said that UCSF failed to estimate the amounts of carcinogens and other toxic

substances which may be released into the atmosphere. *5 Laurel Heights Canyon v. Regents of U.C.*, Daily Journal D.A.R. at 4245 (July 15, 1987).

Hastings lawyers fear that the decision may require the College to prove that its development will have no adverse environmental effect on the surrounding neighborhood at any time in the future. Attorneys for UCSF analyzed the ruling similarly.

"It puts [us] in the difficult position of having to prove a negative without any basis for believing in the beginning that there is any significant risk of harm," said Ethan Schulman, counsel for UCSF.

continued on page 3

British barristers say juries should be dissolved

The American system of trial by jury is responsible for disproportionately large personal injury case verdicts and should be abolished, according to a group of British barristers who visited Hastings last Thursday.

The visit of the English lawyers, who handle trial matters exclusively and leave general advisory practice to colleagues known as solicitors, was sponsored by the 1066 Foundation. The trip is part of a state tour culminating in the California State Bar's annual meeting to be held soon in Los Angeles.

The panel consisted of Judge David Roberts, Desmond Fennel, Q.C., and Paul Reed, all of the Midland and Oxford Circuit, who were joined by Richard Wakeman whose practice is centered in Birmingham. Each discussed a different aspect of British trial practice.

Juries gradually abolished

Judge Roberts, who was elevated to the bench five

years ago after 33 years of general practice, traced the history of the jury system in England. Roberts noted that allowing juries to decide mixed questions of law and fact as opposed to factual questions only is a relatively recent development, as are the special and expert juries.

However, many bulwarks of the jury system have been eroded in a series of acts of Parliament beginning early this century. Today, jury trial has been nearly abolished in civil cases. In fact, Roberts said, in 38 years of practice he had participated in only one civil jury trial.

According to Roberts, Lord Denning nailed shut the jury's coffin in a 1964 opinion in which he wrote that abolishing jury trial would be "more acceptable to the great majority of people." Plaintiffs' lawyers could justify keeping juries, Denning said, only because juries are more sympathetic in personal injury cases than judges.

Roberts agreed with Denning's assessment and noted that juries have no guidelines for placing a dollar value on various injuries, and therefore must guess and inevitably award out of sympathy. In response, England's appellate courts have developed a regularly updated guideline package that sets fixed amounts for different injuries.

Fair trial preferred to free press

Panelist Richard Wakeman disagreed, however, claiming that the main problem is not lack of understanding by juries but inadequate presentation of cases to them by lawyers. Wakeman also explained England's retention of the jury system by attributing it to conservatism and greater public confidence in the jury system, directly controverting Denning.

Wakeman continued with an overview of the jury system in practice, including choosing and challenging the panel, a process which is

substantially similar to that in America. Unanimous verdicts are generally required, although judges may request a majority verdict after deliberations have lasted more than two hours.

Press rights are curtailed severely in England in order to preserve the defendant's right to a fair trial. In civil and criminal cases, publicity is restricted most tightly at the early stages; however, rape defendants have total anonymity until conviction.

Apprenticeship required

Paul Reed, a junior barrister, explained the British process of legal education and apprenticeship. After completing a university degree, candidates study for a law degree and take the bar examination in London. Then they join one of the Inner Courts in London and

stay for one year taking courses for a fee. Prospective barristers then join a senior barrister or pupil master and complete a one-year apprenticeship.

The candidate then becomes a barrister proper, joining 5,000 colleagues throughout England. The new lawyer must search for a seat in chambers with other barristers, usually in a large city. In chambers, several barristers share library space and a lease on their quarters. Each attorney works independently, hiring a clerk and maintaining separate financial records.

Unlike the American system in which attorneys usually represent plaintiffs or defendants exclusively, British barristers may accept either situation and even act as state's prosecutors in criminal cases.

PAD BRINGS WILLIE BROWN TO HASTINGS

Phi Alpha Delta President Steve Bolen announced this week that his legal fraternity will present Willie Brown, Jr., Speaker of the California State Assembly, for a talk to the Hastings community on September 24 in the Old Commons. Doors will open at 5:00 p.m. and Brown is scheduled to talk at 5:30.

Brown, a native of Texas, has represented San Francisco in the State Assembly since 1964. He has held the Office of Speaker, considered the second most powerful political position in the state, since 1980, longer than that of any other person in California history. Brown has been a major figure in national Democratic politics for over fifteen years.

Brown received his B.A. degree from San Francisco State University in 1955. He then moved downtown to Hastings, from which he graduated in 1958. While at Hastings, Brown was an active member of Phi Alpha Delta. He serves as the permanent president of the Class of 1958.

While Brown's office would not disclose the subject of his talk, Bolen said that he is expected to discuss current events and issues.

"All of the members of PAD are excited and pleased

to be able to provide this public service to the Hastings Community. Speaker Brown is an extremely articulate and dynamic speaker. We want to emphasize that the talk will be open to all interested students, faculty, and staff," Bolen said.

On the Docket

Hastings Volunteer Association would like to invite all students, faculty, and staff to a first-time program—a slide presentation on how to enjoy life beyond Hastings.

Carolyn Caine will introduce you to *A Personal San Francisco*.

Date—October 14, 1987
Time—3:30 p.m.—free refreshments; 4:00 p.m.—slide presentation.
Place—Louis B. Mayer Student Lounge.

On the Docket is a monthly listing of noteworthy events, on and off campus. To place a notice, type or write the text, leaving one blank line between each text line, and place in the HLN box in the SIC. Next deadline: October 2.

ASH Record

Councillors approve grant to La Raza

Compiled by Chris Palermo
Editor-in-chief

Meeting of August 31

The meeting was called to order at 5:48 p.m. and adjourned at 6:53 p.m. Attendance was not taken.

New business included introduction of organizational charts and setting up procedures for selecting new class representatives. President Ellen Schned presented an organizational chart for ASH, which consists of ASH executive officers and 10 council members from each class. These representatives are assigned to committees in one of three branches: internal ASH committees, student events committees, and faculty-student committees. Students serve as voting members of educational policy committees chaired by faculty and thereby actually make policy.

An organizational chart for the College was also distributed, with authority from the Board of Directors proceeding through three top managers, Chief Financial Officer Robert Kerley,

Dean Daniel Lathrope, and General Counsel Max Jamison. According to the chart, the Dean retains authority over the administrative services, academic programs, and public relations programs of the College with Kerley and Jamison acting as advisors.

Second-year representative Matt Davis discussed the status of ASH's efforts to place a student on the national search committee for the new dean, which is chaired by Ralph Abascal and consists of Board of Director member James Mahoney, 3 faculty members, and one student. Davis said that Professor Thurman, who has worked closely on the issue of College governance, feels that the Board will not object to inclusion of a student. To date, Davis said, the committee has been inactive and a further update will come later.

Joy Warren moved to select Ellen Schned as ASH student representative. After extensive discussion about whether the selection should be open to the entire school, whether ASH could afford to delay the selection,

and whether Schned was even interested in serving, the motion was tabled.

Vice President Irene Bueno reported that the ASH book sale had been reasonably successful but that many books were still available. Schned moved to hold a supplementary sale of out-lines at the end of the semester; the motion passed.

Treasurer Leora Goren reported that ASH has about \$12,000 remaining from last year which was accrued from funds allocated to organizations but which remained unexpended, and from video-game proceeds.

Goren declared that she will impose a line-item budget veto scheme on organizations this year. Each organization submitting a budget will have to break the budget request down into identifiable subcategories bearing codes designated by ASH. The process should speed processing of budget requests later this year.

Third-year representative Rudy Kraft moved to make ASH representatives paid positions, but the motion

continued on page 6

Faculty meetings may remain closed, court rules

From the Student Press Law Report

Faculty meetings here are now closed to the public as California's Bagley-Keene Open Meetings Act was narrowly construed in a May appellate decision.

The action arose in 1984 when three students sought to prevent the faculty from meeting in private to discuss matters of educational policy, approval of expenditures from appropriations, endowments and gifts. The students believed that because the faculty was founded and delegated authority by the University of California Board of Regents, it is a state body subject to the open meetings act.

After losing at trial, the

students appealed arguing that the faculty was created by formal action of the Board of Regents, that it acts in an advisory capacity to the Board and that the Board is a state body within the meaning of the state open meetings act.

The Bagley-Keene Act requires that all state body meetings be open to the public unless the entity is specifically excepted by law or covered by a conflicting statute. "State body includes any board, commission, committee or similar multi-member body which exercises any authority delegated to it by the state body," the Act reads.

Ultimately inferring that only meetings of the Board and certain committees would be subject to the open

meetings requirement, the court held that the legislature did not intend to subject Hastings faculty meetings to Bagley-Keene. When Bagley-Keene was originally enacted in 1967, lawmakers did not extend the Act to Board of Regents meetings.

However, in 1982, § 92030 of the Education Code was amended to place the Board specifically within Bagley-Keene's scope. The legislature also added § 92020 to

the Education code defining "Regents" to mean "the board of Regents of the University of California and its standing and special committees or subcommittees ... appointed to advise and assist ... in contract negotiations."

According to the court's legislative analysis, it concluded that § 92030 mandates that only the Board of Regents and not faculty meetings would be subject to the Bagley-Keene Act.

The court justified its narrow construction by reasoning that the legislature amended § 92030 of the Education Code to specifically subject the Board of Regents to the Act instead of amending Bagley-Keene to include the Board of Regents in the definition or "state body."

Had the Board been defined as a "state body," then Hastings and its faculty would probably have fallen within the provisions of Bagley-Keene. ■

West Block development

continued from page 1

The Board of Directors accepted Patch's proposal and set a further meeting on the issue for 10 a.m. on Sept. 25. The open meeting will be held at the Board Room on the third floor of the 200 building.

In recent months community opposition to the West Block development has intensified. The EIR noted that traffic and noise problems in the area would probably be increased by the project, but that the State would gain much-needed office space by consenting to

the construction.

Other protestors have asserted that the neighborhood is in desperate need of more low-cost housing and that State funds should be directed towards this effort first. Responding to an erroneous meeting announcement prepared by General Counsel Max Jamison, several representatives of Tenderloin housing-rights organizations appeared at the July 24 meeting expecting further public hearings on the EIR. They waited several hours while the Board met in closed session on an-

other matter, only to learn that no hearings would be conducted. Several area residents left disgruntled.

Sources close to the Board said that the closed-session matter concerned final negotiations with attorneys for Dean Prunty. Loud exclamations could be heard clearly through the closed Board Room doors.

Ironically, the Board lunched on meals prepared by Knight's Deli, an establishment in the West Block area affected by the proposed development. ■

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Board

continued from page 1

red at the close of fiscal 1986, Kerley said.

Kerley said that Hastings' investment portfolio needed reworking and suggested that the University of California might better be able to manage Hastings' assets.

Currently, the College manages financial matters independently of the UC Board of Regents, although some critics have charged that the two should be merged and the Hastings Board of Directors dissolved. Hastings is the only state collegiate institution with its own governing board.

Hastings General Counsel Max Jamison said that the new fiscal control measures were an attempt to prevent a recurrence of past misappropriations. Financial officer Robert Kerley said that Hastings' accounting ledgers were disorganized and that a nearly complete reconstruction of several accounts would be required. ■

Features

Alumna writes murder mystery set at law school

"It was a dark and stormy night at Hastings..."

By Prof. David Levine

Have you got time on your hands? If Civil Procedure, Evidence or Remedies aren't enough to keep you busy, here's a suggestion: read Lia Matera's new murder mystery, *Where Lawyers Fear to Tread* (Bantam Books, 1987, \$2.95). Ms. Matera's story revolves around Willa Jansson, a third year student at a fictional law school that happens to be located at San Francisco's Civic Center. Willa is a senior editor of the school's law review, which is suffering a small production problem—someone keeps murdering the editors. This causes panic on the staff because, *inter alia*, they might

not get issues of the review out on time.

Willa, who has become Editor-in-Chief after one of the deaths, is determined to find out who is killing off her staff. Is it an ambitious third-year student who will stop at nothing, including murder, to improve his resume so he can land that great job on Wall Street? Is it Professor Haas, who might be desperate enough to kill to get his article published? Is it Jane Day, an alumna of the school who wants to run for public office, and who needs to keep something in her past life a secret from the public? At this law school, there are plenty of suspects. Willa

even risks death herself as she tries to follow the leads.

As a murder mystery for general readers, this one rates a B. Although some of the characters are depicted well, the book is not written in the gripping style of the best murder mystery writers. However, it will be entertaining for those in a law school community because Matera does a good job capturing the flavor of a law student's everyday life. And, it is a must-read for the Hastings community because it is obviously set at 198 McAllister Street. Matera even dedicates the book to her fellow editors of volume 8 of the *Constitutional Law Quarterly* (She was ed-

itor in chief of that volume).

Trying to figure out who the author used as models for her characters is fun—consider the dean who is more worried about the school's image than catching the murderer, the womanizing male professor, and the tough-as-nails female professor. Since Matera was at Hastings long ago, the actual students she wrote about are gone; still, it is remarkable that the same student types are still around. I won't spoil your pleasure by telling you who I think she was writing about. Besides, I don't want to be Matera's co-defendant in any libel suit brought by a professor

or student who doesn't care for how he or she is depicted. See generally *Bindrim v. Mitchell*, 92 Cal. App. 3d 61, 155 Cal. Rptr. 29 (1979) (libel suit brought successfully by model for a character in a novel).

All in all, this will be a fun read. If *Where Lawyers Fear to Tread* isn't enough to meet your appetite for vicarious violence, perhaps there will be more fictional murders set at Hastings. The cover of the paperback says that this is "A Willa Jansson Mystery," suggesting that there will be more to come from Matera's pen that will be of interest to anyone with a connection to Hastings. ■

Rourke earns last rites in "A Prayer for the Dying"

By Chris Palermo
Editor-in-chief

Never has a film tried so sincerely to pass off so many clichés on a willing audience. That statement sums up all the reasons to see and avoid "A Prayer for the Dying," the new R-rated thriller starring Mickey Rourke.

Set in war-torn Northern Ireland and on the seamy side of London, the film follows a jaded, passionless Irish Republican Army guerilla, Martin Fallon (Rourke), as he struggles to escape his comrades.

Formerly a skilled assassin, he's dogged through the streets of London by IRA members determined to make him recant his defection or execute him. Meanwhile, a sinister funeral director/gangster named Jack Meehan (Alan Bates) tries to hire Fallon as a hit man for just one more killing. Eventually, Fallon consents, only to have the murder witnessed by a local priest, Fr. Da Costa (Bob Hoskins). We then follow Fallon's futile attempts to escape this triangle which

ends, predictably, with his death and final confession.

Unfortunately, the filmmakers throw a lot of jagged stones along this twisted path. Fallon falls somewhat awkwardly in love with DaCosta's blind niece, Anna (Sammi Davis). Their scenes together are clumsy and broadly drawn; Davis is particularly guilty of acting with big moves—she wants to make sure we know that Anna's blind. Sadly, she makes us laugh.

The IRA rogues trailing Fallon, called Liam (Liam Neeson) and Siobhan (Alison Doody), are also painfully loud in their portrayals. The script is at fault, too, for we never get a chance to understand their relationship with Fallon, or why it's so important that he keep from compromising the IRA—Edmund Ward and Martin Lynch, who adapted Jack Higgins' novel, expect us to just know about the secret rituals and sworn secrecy and comradeship that distinguish underground groups. Well, these ties can't be described—they have to be felt and shown.

And even a skilled, experienced and likable actor such as Rourke can't turn a

trite bit of business into a breathtaking visual metaphor. True, the Fallon character has a sense of humor and Rourke plays some light moments well—Fallon's penchant for smoking cigarettes at times of extreme stress becomes a running gag. But we'd enjoy the film so much more if, for example, Fallon didn't do the inevitable after making love to Anna—light up a smoke.

It's too bad he did, because this is a film one really wants to like. The IRA is a fringe group whose interior workings are known and understood intimately by very few, and Rourke is a fine actor with a relatively solid track record. Apparently, he's simply been making too many films in the last two years (*9 1/2 Weeks*, *Angel Heart*, *Barfly*) and quality is being sacrificed for quantity. But when success strikes and Hollywood producers start calling, it's a rare actor who can weed through the fool's gold among the scripts and find the diamonds in the rough.

Fortunately, this is a beautifully photographed work, with many intriguing camera angles set up by an unknown cinematographer,



Martin Fallon (Mickey Rourke) contemplates his next move to escape pursuers in the new thriller "A Prayer for the Dying."

Mike Garfath. Production Designer Evan Hercules chose a marvelous setting for DaCosta's church, a creaky Gothic cathedral with a decaying graveyard and a spire in the process of reconstruction. The incomplete spire becomes a useful metaphor as we realize, when the film progresses, that Fallon will never ask God for to forgive his sins. Likewise, the tower remains unbuilt, and as Fallon is

gradually destroyed by his work, so is the spire.

Jack Higgins undoubtedly wrote a sharp, fast-paced film noir novel to inspire this film, but director Mike Hodges just doesn't pull it off. This is a brooding, depressing, somber movie of little comfort to any law student seeking respite from the somnolent silence of the library or confirmation from the divine that exams can, indeed, be passed. ■

Bunnymen hold steady with new LP

By Dino Velez,
Features Editor

The latest release by Echo & the Bunnymen brings some good news and some bad news. The good news is that the album is so good that it doesn't have a single clinker on it. The bad news, however, is that the effects of the Bunnymen's evolution away from their dark, edgy earlier work will merely allow them to maintain their place among a group of moderately popular, but critically unacclaimed groups.

On their 1980 debut, *Crocodiles*, the group searched for a comfortable style, and the diversity of their experimentation was clearly audible. Even after the follow-up LP, *Heaven Up Here*, their rich mixture of ringing guitars and rough, garage-like production defied categorization.

In 1983, the Bunnymen broke through with a club hit, "The Cutter." The danceability of the single, along with its polished production poised them on the brink of mainstream popularity.

Over the last four years, however, the inability of the group to punch out a pop hit forced them to repackage their earlier tunes on the compilation, *Songs to Sing and Learn*, in order to keep up sagging sales.

Now, in the ripple of interest created by re-release of their best work, they have produced a new, self-entitled album, *Echo & the Bunnymen*. The sales strength of the LP proves the solid appeal of the melodic vocals and well crafted keyboard textures.

Echo & the Bunnymen benefits from the addition of former Door, Ray Manzarek. His keyboard meanderings help fill out the rumbling anthem, "Bedbugs and Ballyhoo" and ride on the storm of a driving, biting "All in Your Mind."

Singer Ian McCulloch stands out on the hypnotic "Bombers Bay" with soothing, cloudy vocals, and on "Lips Like Sugar" by exhibiting his sharp edged vocal range.

McCulloch snarls a bit on the single release, "New Direction", with bassist Les Pattinson and drummer

Pete De Freitas pumping out a relentless rhythm, and Will Sergeant flying low on guitar. "New Direction" currently receives good club and radio exposure, but isn't quite strong enough to supplant "The Cutter" as the band's most memorable tune.

The balance of the album pleasantly lays down solid songs with subtle hooks. Overall, it's better than the Psychedelic Furs' *Talk, Talk, Talk*, but the best songs on the LP don't stand out from the bulk of the material like The Cure's *Kiss Me, Kiss Me, Kiss Me*.

Although one likes to see a band that's been together so long have some success, Echo and the Bunnymen need to trust themselves more, and play less tentatively. Hopefully, they'll do just that when they headline with New Order and Gene Loves Jezebel at the Greek Theater in Berkeley on September 18th and 19th. (If you like the show, look for the concert tour album from all three groups. It's available in limited distribution and sells for about \$25). ■



Works of Traynor on view at Library

By Chris Palermo
Editor-in-chief

Papers, opinions, and personal memorabilia belonging to the late Roger Traynor, former Chief Justice of the California Supreme Court, are now available for use by researchers in a special archives room at the Hastings Library.

The fifth-floor memorial room was established in space set aside by former Dean Marvin Anderson using contributions from Traynor's friends and family. Traynor originally offered his papers to U.C. Berkeley's Bancroft Library, which expressed no interest in them; Traynor subsequently willed the collection to Hastings.

An open-house to introduce students to the collection will be held October 1 through 15; curator Dorothy Collins will be available for tours of the collection daily from 9 a.m.-12 p.m. and 2-4 p.m.

Included in the archives are a complete set of the original printings of all of Traynor's 1,000 Supreme Court opinions, books from Traynor's personal library, scrapbooks, clippings, photographs, robes and degree hoods, awards, and furnish-

ings from his home.

In one corner Traynor's writing desk sits, and on it is a draft of the last paper he completed before his death in 1983. Next to the desk is an easy chair and a small table, on which rests Traynor's reading glasses, as if he had just stepped out of the room.

Traynor lived a long and scholarly life; a display summarizing his greatest achievements in on exhibition on the fourth floor of the Library near the circulation desk.

The staff of the Library hopes that the room will increase interest in reading and writing not only about legal problems, but about law-related issues that variously affect our lives and the future of our country.

Perceptive teachers in Park City, Utah, then a remote mining town in the Wasatch Mountains, recognized early the gifts of this first-generation American. With their encouragement he enrolled at UC Berkeley in 1919, bolstered by the Willard D. Thompson scholarship for students from Utah. Four years later, despite a crippling illness that compelled him to walk with crutches for a year, he received a B.A. with a virtually straight A record.

continued on page 15

Barbara Black, noted historian, to deliver Tobriner Lecture

Barbara Aronstein Black, Dean of Columbia Law School and noted legal historian, will deliver this year's Justice Mathew O. Tobriner memorial lecture on October 5 at 4 p.m.

Dean Black will discuss "Reflections on Judicial Independence in a Bicentennial Year." The lecture is open to the public and is free of charge, although seating is limited.

Dean Black's primary area of scholarly interest is American colonial law. She serves on several groups involved with the celebration of the bicentennial of the U.S. Constitution, including the National Advisory Committee of "We the People 200" and Special Committee on the Bicentennial of the Constitution of the American Association of Law Schools. She is president of the American Society of Legal History and a member of the editorial board of the *Law and History Review*.

She is also a member of the Selden Society and the Law and Society Association.

The lecture is given in honor of the memory of labor law specialist and Justice of the California Supreme Court Mathew O. Tobriner. The family and friends of the late Justice established the lectureship at Hastings in 1982.

Dean Black was named to her current position at Columbia in 1986, some thirty years after she received her law degree from the same school.

Dean Black was born in New York City in 1933. She received her B.A. from Brooklyn College in 1953 and her LL.B. in 1955 from Columbia, where she was an editor of the *Columbia Law Review*.

Her route to the deanship of one of America's elite law schools has been, in her word, "circuitous," for in 1956 she left academia for nine years to bear and raise

her three children. In 1965 she entered the doctoral program in history at Yale, where she was later to become Assistant Professor of History and then Associate Professor of Law. She joined the Columbia Law faculty as George Welwood Murray Professor of Legal History in 1984.

Dean Black is a popular teacher, known among Columbia students for her intellectual force, her wit, and her warmth. "Here is someone who is both brilliant and who will hug you in the hallway," one student said on Black's appointment as Dean.

Her current writing projects include a constitutional history of Massachusetts in the seventeenth century, an edition of the judicial proceedings of the Massachusetts General Court from 1634 to 1686, and a book on contract theory. ■

continued from page 2

died for lack of a second.

Director of Arts & Recreation Frank Watson reported that he is organizing fall athletic tournaments for volleyball, basketball, and golf teams. Details were not given. Watson also said that he will propose an ASH gift to second-year student Tim Bennetti, who was seriously injured in a car accident during the summer.

Kraft inquired about what procedure is used for adding items to the agenda of future meetings, but Schned postponed the discussion until later.

Organization Information Meeting of September 1

Irene Bueno convened the meeting by providing general information about the Student Information Faire to be held September 9 which was open to all student organizations.

Patsy Oppenheim then took the floor and announced new financial reporting procedures designed to help the Office of Student Services monitor transactions made by student organizations.

The rules were promulgated by Oppenheim under Section 34 of the rules gov-

erning student organizations adopted by the Board of Directors. Section 34 allows the College to audit club financial records when a club dissolves and leaves an outstanding debt, or when a group's officers incur debts which they cannot pay.

Oppenheim's rules require that organizations must file disclosure statements at the beginning and end of each semester. Clubs must report the type of any bank accounts maintained by the organization, account beginning and ending balances, and any expenditures made by the organization. If signature cards are filed at banks, the Office of Student Services requires filing a copy.

Apparently, the regulations were created because some organizations spent money last year in inappropriate ways. However, this issue was raised too close to press time for the Law News to investigate.

Oppenheim also reminded clubs that membership must be limited to full-time Hastings students and that organizations must file for recognition by Sept. 21. The filing procedure includes providing a copy of bylaws, names and telephone num-

bers of officers, and the financial disclosure statement.

ASH Treasurer Leora Goren announced a new budget preparation procedure for organizations. Groups must divide budget items into categories so that ASH representatives will be able to approve or veto budgets on a line-item basis. Organization budgets are due to Goren on Sept. 21; ASH decisions regarding budgets will be made between Sept. 26 and 28.

Ellen Schned took the podium and encouraged groups to co-sponsor events in order to share resources, and invited organizations to ASH meetings. She also urged clubs to use creativity in creating fund-raising events.

Meeting of September 8

The meeting was called to order at 5:52 p.m. and adjourned at 7:41 p.m. Absentees included L. Caplan, J. Hernandez, G. Lee, S. Meieran, and S. St. Julian.

Schned reviewed council procedural rules, which are based on Robert's Rules of Order. Discussion was tabled pending distribution of the Rules, the ASH Constitution, and the ASH Bylaws

to Council members.

Schned proposed providing food at meetings to quiet the fidgeting of Council members. Motions to provide various amounts for this cause failed.

Vice President Irene Bueno recruited members for the Committee on Committees which reviews applications and interviews candidates for Faculty-Student Committee positions. Applications are due on Sept. 18.

Treasurer Leora Goren announced that applications to sit on the Finance Committee are being accepted; prospective members must be willing to devote a week-end to processing applications for ASH funding.

Reporting on the status of the student member of the Dean Search Committee was delayed until clarified by the College.

The Council established a First-Year Steering Committee to coordinate multi-section events for first-years.

Moving briskly into new business, Schned postponed discussion of the status of ex-cafeteria worker John Spodato who was fired recently by Patsy Oppenheim, allegedly on account of his appearance. A petition not

sponsored by ASH was circulated last week by students calling for Spodato's reinstatement. Schned tabled the discussion pending conferral with Oppenheim and General Counsel Max Jamison.

Sylvia Colon of La Raza requested \$850 from ASH to help pay for the 16 de Septiembre celebration to be held this Friday, \$200 more than La Raza requested last year. A motion by Goren to award this amount passed.

Director for Arts & Recreation Frank Watson reported that golf and basketball tournaments are scheduled for this fall. He also requested \$350 from the ASH Operations Budget for new equipment purchases. Watson also presented a resolution to prevent discrimination in ASH programming which was adopted, apparently to prevent women from being excluded from team football play.

(Complete minutes of all ASH meetings are available through the ASH office. Content of meetings reported in this column has been edited for space. This report is not prepared by ASH.—Ed.) ■

Law News wins awards

The Law News earned two awards for excellence in law school journalism at the American Bar Association annual convention held in July.

The awards, bestowed each year by the Law Student Division as part of a nationwide law school newspaper contest, were for articles covering the controversy involving former Dean Prunty.

The Law News claimed a first-place certificate for Best Editorial on Internal Law School Affairs for the March, 1987 staff editorial about the Board of Directors' actions. An Honorable Mention was also given for the front-page news article on the same events. Both stories were cowritten by then Editor-in-chief David Daniels and Managing Editor Chris Palermo.

The awards will be displayed in the Law News offices. Back issues containing the award-winning articles are available at the offices. ■

Alum to head San Diego Bar Association

Edward "Ned" B. Huntington, a former Hastings senior class president, has been elected president of the San Diego County Bar Association for 1988.

Huntington is a sole practitioner specializing in business, tax and family law including all phases of litigation. He received his bachelor's degree from San Diego State University and an L.L.M. in taxation from the University of San Diego. He was admitted to the State Bar of California in 1967 and has been an active member since 1968. He had previously served a three year term on the Board of Directors and is currently one of five vice presidents. Huntington was a Deputy

City Attorney before starting his own practice.

Huntington is a member of the state and local tax sections and family law sections, as well as the San Diego Trial Lawyer's Association. He is also a member of the San Diego Board of Realtors, SDAA, the National Organization for Women, Lawyers Club and Barristers.

Huntington has been county chairman of the Certified Family Law Specialists program as well as Family Law Editor of the San Diego Trial Lawyer's Magazine and Contributing Editor to Mathew Bender's California Law Monthly. He is also a frequent lecturer in

family law for the State Bar, CEB, Rutter Group, Lawyer's Club, Barristers, Bridging the Gap and Western State University of Law. Huntington will be officially installed as president

at the association's annual dinner on Friday, December 4.

He resides in Kensington with his wife Margie who is attending law school at USD, and his four children.

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Forum

From the Bench

Oppenheim's plan is misguided

We were shocked when we learned that our Director of Student Services, Patsy Oppenheim, had decided that student organizations' financial records should now be audited. We were even more shocked to learn that this monitoring would be applied to the Law News, and we took immediate steps to prevent this potential compromising of the independence of the Law News.

We were most upset, at first, to learn that Oppenheim had decided to usurp a function traditionally left to ASH. The student council receives an assessment of \$16 per student at the beginning of each year. That money is then distributed to student clubs and groups based on budget requests submitted to the ASH Treasurer and ruled on by a committee consisting of students with varying viewpoints. Rarely is an allocation made unwisely or excessively.

Subsequently, student groups cannot spend their money with wild abandon. They must plan carefully, because even with thousands of dollars to spend ASH must spread the cash thinly among many. All expenditures are made from a master checking account maintained and monitored by the Treasurer.

With all these safekeeping mechanisms in place, one must legitimately wonder what the use of further administrative monitoring is. Aside from the implicit rejection of the fiduciary care exercised by the Treasurer, Oppenheim's regulations pose serious First Amendment questions when applied to this and other organizations.

Does Oppenheim now have the authority to audit BLSA, should it invite a controversial speaker to campus? Can the College now demand an explanation for the activities of the National Lawyers Guild chapter here? And can the Board of Directors call the Editor of the Law News, the Alternative Law Journal, or other student publications into chambers and sit as final arbiter over what content is appropriate and what speech should not be funded? Clearly, no matter who is Chief Justice the First Amendment would say no, but Oppenheim would say yes.

We find this situation intolerable, at least as applied to primarily political or media-related organizations, and consequently we rejected the rules upon promulgation and we will not follow them without a mandate and hearing with the Dean. We are taking this extreme measure because we believe that it is necessary to preserve the independence of the only source of news available to the student body.

A further question remains as to whether Oppenheim even had the power to act in this circumstance. Her guidelines were issued under the dubious mandate of Section 34 of the rules governing student organizations, which were adopted by the Board of Directors in 1986. The Section is concerned with satisfying debts and liabilities incurred by defunct or bankrupt organizations. It empowers the College to require officers to pay bad debts, and in an obscure subsection it confers the power to audit finances upon the College. Clearly, the Board intended to provide a safety valve for the checking of club records in the event that officers graduate and leave behind debts. Oppenheim read its mandate too broadly, inferring a general power to audit where none exists. Absent a statement by the Board to the contrary, we think the powers enumerated in this Section are limited to the recovery of bad debts.

These issues deserve exhaustive, searching inquiry by ASH. The Council should debate the rules and make a recommendation to affected groups. And at the very least, ASH should reject the rules simply because they emasculate its budgeting process and, implicitly, its freedom to act according to student wishes without administrative intermeddling.

Letters to the Editor

Letters are accepted from anyone but must be typed or legibly handwritten with one blank line separating each line of text. Letters should be clearly marked as such and must bear the writer's

signature, name and telephone number. Frequent or lengthy contributors will be limited to ensure that a forum is available to everyone. We cannot print letters without signatures, but names will be

withheld upon request if the circumstances warrant such action. Letters do not represent the opinion of the Law News, its staff, or Hastings College of the Law.

First-year curriculum needs an overhaul

By Theodore L. Laufer
Executive Editor

The thirty-unit first year curriculum, as each student is painfully aware, consists of a year each of Contracts, Civil Procedure and Torts; a semester each of Criminal Law and Property; and three units of Legal Writing & Research. Constitutional Law is reserved for upper division study. It is the opinion of this newspaper that both students and faculty would be better served if Constitutional Law were taught as a first-year course.

An early grounding in fundamental Constitutional principles is essential. In Civil Procedure, for example, Constitutional doctrine underpins several key concepts including the threshold issue of judicial jurisdiction. Knowledge of Con Law would consequently help one understand other first year subjects. An additional subject in the first year would also increase the curriculum's breadth. Specialization should not be a goal of the first year program. Furthermore, Con Law is important enough in and of itself, not only as a course in law but as a course in United States legal history, government and ethical theory, to be studied at the beginning of law school.

Accordingly, the current second year Con Law course should be divided into a four-unit first year course, and a three or four unit upper division elective. Each student would receive a healthy introduction to the subject matter, sufficient for bar exam purposes, and would be free to choose whether or not to take the additional course. What's

more, those who chose to specialize would, assuming a four-unit upper division course, actually learn more Con Law than they do now. Those who did not wish to specialize would not have to.

As a result of the additional course in the first year, four units would have to be dropped. Criminal Law and Real Property should be retained so as not to compromise the goal of breadth. Instead, Hastings should shave one of the year-long courses. The likely candidate is Torts because Torts is the most easily severable year-long class. For example, it is not necessary to study intentional torts before reading products liability or defamation. On the other hand, Contracts and Civil Procedure are much more sequential, in that they build on earlier material towards a unified whole. Contract performance could be taught before contract formation, but because a contract's existence presupposes its performance, it makes sense to discuss formation first. Second, Torts is such a vast body of law that many areas cannot be covered even in the present six-hour format. Thus, Torts should be reduced to a four unit, one semester class whose core is negligence. One or more upper division classes would then be offered to focus in depth upon matters not covered during the first year. As with Constitutional Law, all students would receive a solid exposure to the the subject matter of Torts, and those who wished to specialize could do so.

Real Property would be reduced from five to four units. Estates and future in-

terests could easily be dropped from the current course and covered in either wills or estates and powers.

Finally, the legal writing program would be reduced from three to two units, one per semester. The additional unit in the fall is essentially a gap filler, and could be done away with without major harm to the LWR program. In addition, Hastings has wisely adopted an upper-division writing requirement which is effective for the Class of 1990 and beyond. Hence students will not want for lack of the third LWR unit.

The curriculum would therefore consist of a year each of Civil Procedure and Contracts, four units each of Criminal Law, Property, Constitutional Law and Torts, and two units of legal writing. The advantages of this proposed curriculum are many. First, the first year would have greater diversity. Subjects would reinforce each other, while at the same time exposing students to a wider range of material. Students could then more intelligently select their upper-division courses.

Second, students would enjoy greater academic freedom because they would have greater latitude to choose their classes. The present scheme is too rigid. Since for practical purposes con law is a required course, with the new curriculum each student would have an additional six units of electives.

Third, professors currently tied up in the Torts and Con Law departments would be freed to offer more upper division courses in those or other subjects. Professors

continued on page 9

RUMBLINGS

Loan forgiveness program is a worthwhile goal

By Sinistro Publius
Staff Writer

We are economic hostages to the cost of our Hastings education. For all but a few, post-graduation debt precludes serious consideration of any job which pays less than \$25,000. Unfortunately, that's the top end of the range for many public interest law jobs. This presents a tough choice for the altruistic Hastings graduate who can easily double that salary at a corporate firm (add in the perks and it's tripled). Factor in the \$20,000 to \$40,000 in student loan obligations and it's a Hobson's choice.

However, a dozen leading American law schools have adopted loan forgiveness programs which re-open the possibility of opting for a poorly-compensated-but-public-spirited legal career. These schools subsidize part or all of the loan payments of their graduates during the time that they hold low-wage public interest jobs. The amount of the deferment depends upon the size of their salary. Should the lawyer later decide to take a higher paying position, then he or she re-assumes the balance of loan.

Under the Yale plan, interest and principal on student loans will be deferred for graduates who take public sector and nonprofit jobs, at salaries up to about \$25,000 a year. The precise amount will be decided by committee. The debt of graduates who remain in such public sector jobs for seven years will be forgiven altogether. Graduates who leave for the private sector after three years will benefit from deferred payments during those three years, but only the first year will be forgiven.

At Harvard Law School the typical student debt is \$27,000 and the duration of the loan 10 years. Graduates with beginning salaries of up to \$20,000 are forgiven interest and principal if they stay in the public sector for 10 years. Those who move into lucrative practices before 10 years must repay the remaining loan balance. Seed money for the Yale program comes from alumni and corporate donations. Harvard has set up a special reserve fund for this purpose.

This is a great idea. Watch for a student initiative to start the same here.

Frightening rumors surrounding the conspicuous absence of a well-liked cafeteria worker. Despite his good work record the two-year employee was not rehired this semester by the new food services company. He was given the explanation that his position had been eliminated. Strange, we see someone new doing what he did last year. The story which now emerges is that Patsy Oppenheim, who negotiated the contract with the food services company, insisted that he be given the pink slip. Her rationale? "He was lazy and had a bad attitude." Investigators are working hard to determine who died and left her in charge.

Meanwhile, his former co-workers are afraid to talk, but the speculation is that the real reason for his termination pertained to his choice of jewelry and certain other preferences wholly unrelated to his job performance. Patsy was shocked to learn that "so many students had fallen in love with" the former employee.

Such a seemingly arbitrary personnel action is a brazen move anywhere in this city, and is particularly

provocative in the heart of a law school. After all, we're trained to spot causes of action—such as wrongful discharge. Further, the other tortes dished out at the cafeteria are hardly tasty enough to defeat a student boycott.

Some thoughts on Brian Wilson, the anti-Contra demonstrator whose head was cracked and legs were severed by a munitions train during a protest at the Concord Naval Weapons Station: although his protest appears foolhardy to those of us with the benefit of 20/20 hindsight, he is a brave and principled man with an heroic record. Still, it is not surprising that the adulators of Lt. Col. North hiss that Wilson received his just deserts.

After watching the horrifying video of the incident, which clearly shows two "observers" astride the front of the locomotive, one wonders why the crew did not stop. One answer is that they decided to play a game of "chicken" and Mr. Wilson was the decided loser. Civil disobedience is not risk-free. Nevertheless, for years the assumption in this country

has been that those risks were limited to arrest and punishment only after due process. The chopping off of limbs—possibly a violation of the Eighth Amendment prohibition against cruel and unusual punishment—was abandoned with the Hammurabi Code.

Wilson, a decorated Vietnam veteran and an attorney who chose a life of peace activism and poverty, carried no insurance. Contributions to defray medical costs (over \$50,000 in the first week) may be sent to the Mount Diablo Peace Center, 65 Ecksley Lane, Walnut Creek, CA 94596. Make checks out to MDUUC (Mount Diablo Unitarian Universalist Church).

Now that 52% of the students in the first year class are women, isn't it time for an honorary degree for Clara Foltz? Sometime before the Great Earthquake she became Hastings' first female student, gaining admission only after she brought suit against the college. Foltz left before receiving her J.D. so that she could found one of the nation's first public defenders offices.

They condemned their own tactics last year

Bork's foes hypocritical

By Fletcher Alford
Columnist

Last fall witnessed a highly visible, though futile, campaign on the Hastings campus to retain former California Supreme Court Chief Justice Rose Bird.

Those within the movement clamored loud and long of the need to preserve the "independence of the judiciary"; they decried as folly the introduction of naked politics into the realm of the court.

Now a new cause is brewing here—the anti-Bork

campaign. This campaign, though manned largely by the very same individuals who staffed the pro-Bird movement, now seeks to muster all the political power within its limited grasp, in order to defeat the confirmation of Bork to the United

First-year curriculum

continued from page 8

would also have more leeway to develop innovative offerings, integrating their own research into the courses along the way.

Fourth, a better curriculum would attract more qualified professors and applicants. Better teachers and students would increase the school's standing in the legal community. Improved standing would have positive

impact upon career opportunities for Hastings' graduates.

Not only is there precedent for implementation of such a curriculum, most top twenty law schools surveyed already have similar programs in place. Harvard, Stanford, Yale, Michigan, Boalt, Columbia, Virginia and Texas, to name a few, all require or allow Constitutional Law to be taken dur-

ing the first year.

It is arguably the case that studying Torts and Con Law for one year each will improve, other things being equal, one's performance in those subjects on a bar exam. It is undoubtedly true, however, that Hastings is not a bar review course. Hastings should consequently encourage breadth, not discourage it—and change its first-year curriculum.

Hastings Law News

Editor-in-chief Christopher J. Palermo
Executive Editor Theodore L. Laufer
Copy Editor Griff Towle
Opinion Editor McGregor Scott
Features Editor Dino Velez



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"From dialogue comes truth"

Nation faces litigation explosion, reports study

From the Stanford Campus Report

Americans are taking their educational concerns to court in record numbers, a new study shows.

Since 1957, the number of educational cases litigated in state appellate and federal courts has doubled, three scholars report in a new book, *Law and the Shaping of Public Education: 1785-1954* (259 pp., cloth, Univ. of Wisconsin Press).

Its authors are David Tyack, the Vida Jacks professor of education at Stanford University, Thomas James, associate director of the educational studies pro-

gram at Wesleyan University; and Aaron Benavot, assistant professor of sociology at the University of Georgia.

"Americans have always used law to shape public education," they note.

"They have written constitutions and statutes to build and transform public schooling. . . Organizations ranging from temperance advocates to ecology militants have sought to have their views legally embedded in the curriculum.

"In one form or another, government has always been in the classroom. . . There never was some golden age when education law was apolitical or free of inter-group conflict."

After decades of relatively slow growth from before 1836 to 1957-66, the volume of state appellate and federal court cases involving education nearly doubled during the 1967-76 decade, the authors estimate.

Since the U.S. Supreme Court's historic decision in *Brown v. Board of Education* in 1954, "law has become a major tool in the quest for social justice in education," they note.

"What is new. . . is not the activity of pressure groups in shaping educational legislation and litigation, but the greatly increased volume of education law, the new types of issues raised, and constitutional doctrines employed to decide cases, the scope of education jurisprudence, and the activism of outsiders formerly excluded from political and legal action . . .

The past 30 years has been a period of unprecedented turmoil in education law and in the schools."

The estimated litigation rate rose sharply from about three cases per million pop-

ulation to more than five per million. The character of cases also has changed. The traditionally dominant concerns of funding and governance have declined. The proportion of cases dealing with teachers jumped from 17 percent in the 1957-66 decade to an estimated 45 percent in 1977-81.

This reflected such factors as the rise of teacher militancy and collective bargaining, legal questions about layoffs during retrenchment, and increased funding of the legal arms of teachers organizations.

Segregation cases mushroomed from a previous high of 151 in the 1957-66 decade to 1,457 in the decade 1967-76, when litigation based on constitutional cases and civil rights litigation flourished.

Pupil discipline cases jumped from 46 in 1957-66 to 601 in 1967-76, as students challenged the discretion of school administrators and made federal cases out of dress codes, hair length, and rights of free expression.

Education of students with disabilities and sports eligibility also became important cases in the past decade.

"In the 1960s and early 1970s one social movement after another—women, Hispanics, the handicapped, native Americans—mobilized political support for educational reform, inspired by the successes of blacks in the civil rights movement," the authors observe.

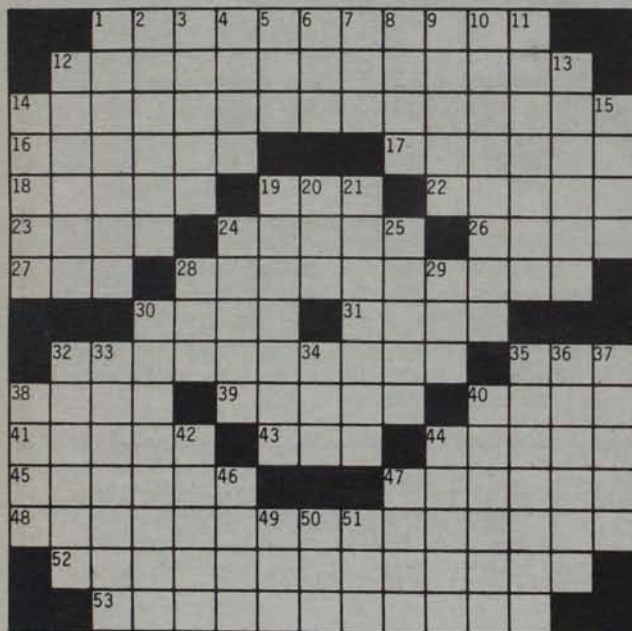
For a time, it seemed that better schooling was the door to profess and that law offered the key to the door.

In recent years, in response to protest groups, courts have often led the other branches of government in calling attention to social wrongs and devising remedies for them . . .

"In the initial phases of both litigation and legislation, reformers and their allies shared a traditional faith in the power of education to right social wrongs. They insisted that outsiders be included in the educa-

continued on page 13

collegiate crossword



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ACROSS

- 1 Where one might study Andy Warhol's works (3 wds.)
- 12 Enrollment into college
- 14 "Calculus Made Simple," e.g. (2 wds.)
- 16 Evaluate
- 17 Extremely small
- 18 Follows a recipe direction
- 19 Belonging to Mr. Pacino
- 22 Of land measure
- 23 Meets a poker bet
- 24 — Gay (WN II plane)
- 26 Capri, e.g.
- 27 Belonging to Mayor Koch
- 28 Irritate or embitter
- 30 Train for a boxing match
- 31 — and the Belmonts
- 32 Processions
- 35 Diet supplement (abbr.)
- 38 Scottish historian and philosopher
- 39 College in Greenville, Pa.
- 40 The Venerable —

- 41 "...not with — but a whimper."
- 43 Return on investment (abbr.)
- 44 Pondered
- 45 Belonging to Mr. Starr
- 47 Part of the classified (2 wds.)
- 48 Possible place to study abroad (2 wds.)
- 52 Small school in Canton, Ohio (2 wds.)
- 53 Orson Welles film classic (2 wds.)

DOWN

- 1 Those who are duped
- 2 "Do unto —..."
- 3 Fourth estate
- 4 Goals
- 5 Well-known record label
- 6 Well-known king
- 7 151 to Caesar
- 8 Prefix meaning milk
- 9 Confused (2 wds.)
- 10 — husky
- 11 Most immediate
- 12 Like a sailboat
- 13 Cash register key (2 wds.)
- 14 En — (as a whole)
- 15 Auto racing son of Richard Petty

- 19 Political disorder
- 20 — cit. (footnote abbreviation)
- 21 Traveled on a Flexible Flyer
- 24 Glorify
- 25 Prospero's servant in "The Tempest"
- 28 Well-known government agency
- 29 American league team (abbr.)
- 30 Fictional hypnotist
- 32 Style exemplified by Picasso
- 33 "She's —..." (from "Flashdance")
- 34 Be unwell
- 35 Visible trace
- 36 Think
- 37 Woman's undergarment
- 38 Commit — kiri
- 40 — burner
- 42 "...for if I — away..."
- 44 Actress Gibbs
- 46 African antelope
- 47 Well-known TV band-leader
- 49 Pince — (eyeglass type)
- 50 1968 film, " — Station Zebra"
- 51 1965 film, " — Ryan's Express"

Solution on page 13

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Opinion

By Chris Palermo
Editor-in-chief

Board bumbblings

The Board of Directors committed some incredible blunders this summer as it struggled to rid itself of the nemesis of former Dean Prunty and to continue shirking responsibility for mismanaging assets used to invest in the West Block. We hope that this year will be uneventful. However, one lesson we have learned is that silence behind the Board Room doors probably means a deal is afoot, and consequently the collective investigative energies of the Law News will continue to focus on the Board this year.

We hope, indeed, that students will continue to observe carefully the workings of the Board as it searches for a way to pay back funds owed to restricted scholarship accounts, and as it attempts to push forward with development of the West Block. Now that that Chairman Dobbs can no longer hide the past acts of his Board behind a smokescreen of charges levied at Professor Prunty, he will have to search for another cloak to distract attention from the unscrupulous transactions, bereft of ethics, which Dobbs tacitly approved during his tenure on the Board before anyone knew Prunty's name.

That cloak will be a coat of many colors, its patches tintured by the West Block structure, the difficult choice between a Great Hall or student gymnasium, or both, to be built at McAllister Tower, and the Dean Selection Committee. But since Dobbs will wear it, we will recognize it,

and we must remain vigilant lest we allow the Board to illegitimately acquire more real estate.

To be sure, there is a limit to the amount of attention one can levy upon a scandal of this sort without provoking chronic nausea among one's readership. But we think that to let the Board drift out of the spotlight at this juncture, to let this drama be resolved backstage, beyond view of its audience of paying customers, would be irresponsible and imprudent.

This year, all eyes will be on the Board, and especially upon its Chair.

Holiday finagling

The Records Office seems determined to prevent at least some group of students from enjoying the winter holidays—at least that's the message of the December exam schedule this year. We hope it can be changed more suitably in the future.

It is apparently an unfortunate fact of the Jewish calendar that Hanukkah is inevitably sandwiched between examination dates. The situation is worse this year because at least two exams are scheduled for Saturdays.

This is regrettable, but the Records Office has done Christians no favor this year either, by scheduling exams up to December 23. A few of us who still attribute some spiritual significance to Christmas, but this is hardly enough time to muster the joy and peace that should accompany the date. Exams could easily be moved by shifting the whole school year back a week further into August.

However, the impenetrable wall erected between church and state by the Supreme Court seems to impel the Records Office to ignore holidays altogether in its scheduling. Law school has an insidious way of robbing one respect for things like holidays. But perhaps some well-intentioned Christmas caroling outside Dean Lathrope's office at the close of exams on December 23 would get the point across. Chances are he'll already be on vacation. ■

The Hastings
Law News

NEWS

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CONTACT: LINDA DACKMAN

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EXPLORATORIUM OPEN ON COLUMBUS DAY
MONDAY, OCTOBER 12

The Exploratorium, San Francisco's popular museum of science, art and human perception, will be open for special holiday hours on Columbus Day, Monday, October 12, from 10:00 a.m. to 5:00 p.m.

Admission to the Exploratorium is free to those 17 years of age and under. Adult admission is \$4 (good for six months). Seniors are admitted for \$2.

The Exploratorium is located inside the Palace of Fine Arts in San Francisco's Marina District.

Nation faces litigation explosion, study reports

continued from page 10

tional system on equal terms.

"They questioned not the common school but the exclusion of some people from its full benefits. Many early protest leaders shared an integrationist dream of equal access to public schools as one of the mainstream institutions of American civic, economic, and social life. . . .

"But some leaders of social movements began to question these universalistic, liberal values of integration into a majoritarian mainstream. They came to advocate various forms of separatism and pluralism.

"They did not dispute the right of individuals in their group to participate on equal terms in the public educational system; to do so would have been to deny their status as full citizens.

individuals in a great community that shared similar notions of the common good.

"There were ample precedents in public education for this type of pluralistic response, for blacks had for a century debated the virtues of separate schools run by blacks, in the 19th century immigrant groups had bargained successfully to retain their languages in public schools, and women had long argued the claims of single-sex schools.

"Despite resistance to new forms of legalization of education, educators have historically been committed to certain visions of equality. . . . Many of the court decisions and legislative reforms of the last generation can be understood as an attempt to broaden these traditional concepts of equality of access and equality of opportunity.

"But they questioned the realism or wisdom of the assimilationist dream of amalgamation of all people as

by making them real for excluded groups.

"By and large, educators

shared this liberalization of the goal of equal schooling; to have done otherwise

would have seemed to deny their own best ethical traditions as a profession." ■

Poetry Corner

Diane Carlotta Graydon

Street Curbs

*Walking around
the square block universe,
his shoulders hunched
against time.
Brother you are in my
peripheral vision,
a constant presence in my
life.*

*She pushes a cart,
mumbling softly
coat in tatters, stockings like
—twin necklaces around
her ankles.*

*Once she thanked me,
loaning me her heart,
for some imaginary gift,
while I stared ahead.*

*They are growing, you know
in shadowy numbers
while the circle of humanity
constricts.*

*But who will be left
in the middle,
and who shall grace the
sidelines?*

Untitled

*Somewhere in the street
lives a small heart
ticking against time,
working into the
rhythm of the lives above.*

*With no insight,
people stare,
with no understanding,
they complain.
But the seed remains,
lucid in its crystal contours
waiting for forethought,
waiting for recognition.*

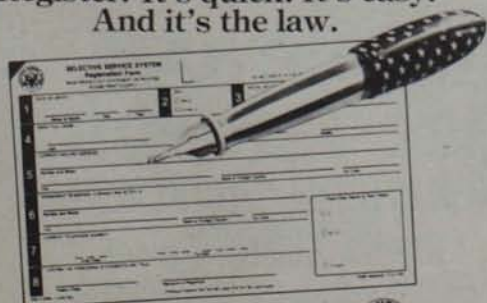
*If children lost
their visibility
and no longer existed
as a prerequisite
to our future,
where would we place
the high pitch of their voices,
the swing-skip of their legs?*

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Works of Justice Traynor on view at Library

continued from page 5

Then, while teaching in the political science department under the aegis of General David P. Barrows, Traynor entered Boalt Hall and later became editor-in-chief of the *California Law Review*. By 1927, he had earned both his Ph.D. in political science and his J.D. He would recall the 1927 ceremony for another reason. His future wife, then Madeleine Emilie Lackmann, a native of San Francisco and also a first-generation American, was commencement speaker of her own class.

Their immediate paths took them far afield. He joined the Boalt Hall faculty, and she successively earned a fellowship in economics and an M.A. in political science at UC Berkeley, and thereafter an international fellowship to Geneva. When their paths crossed again in 1933 they swore allegiance to each other for a lifetime.

Traynor's groundbreaking articles on taxation, a primitive area in the 1930's, led him to new responsibilities as consulting tax counsel for the California State Board of Equalization (1932-40) and the United States Department of the Treasury (1937-40) and as deputy attorney general of California (January to July, 1940), at the behest of then Attorney General Earl Warren.

Meanwhile the Traynor household was enlivened by the arrival of three sons. From the earliest years the family home was the center where friends of all ages gathered. So it remained when in 1940, at the age of 40, Professor Traynor was unexpectedly appointed to the Supreme Court of California. He became Chief Justice in 1964, serving in that capacity until 1970. In that 30 year span he wrote nearly a thousand opinions, marked by an extraordinary depth of legal analysis, breadth of vision, and clarity of expression. They are often cited as classic models in textbooks covering every field of the law.

His colleague, the late Judge Walter V. Schaefer of the Illinois Supreme Court, spoke for many when he wrote: "There is no sounder currency in the courts across the country than a Traynor opinion. And while his influence upon his contemporaries is strong, his influence upon tomorrow's lawyers and tomorrow's law will be even stronger."

The Traynor genius knew no bounds. His essays on the judicial process prompted the late Professor Karl L. Llewellyn to write that he preferred them even to Cardozo essays because "Judge Traynor got down further, and in a stubborn, lovely fashion, more closely to to-

morrow's cases." In countless reviews, others have summoned up his phrases, which recurringly ventured a wry view of the law, thus: "Ours is a profession that prides itself on not throwing chaos lightly to the winds."

At the age of 70, Chief Justice Traynor voluntarily retired. Offers promptly poured in from law offices and law schools. The gifted jurist opted to join Hastings and became a roving teacher. For the next ten years he lectured and wrote full-time in this country and abroad. Throughout the decade Hastings was his home base.

At the age of 80, Justice Traynor wrote his last essay, for a conference in England, on the timely subject *Transatlantic Reflections on Leeways and Limits of Appellate Courts*.

In his final illness he was surrounded by family and friends in his own home. When death struck on May 14, 1983, there was mourning throughout the world. He was acclaimed by law colleagues as "one of the greatest judges in the history of the United States."

In conjunction with Collins and the Library, The Hastings Law Journal recently published "The Traynor Reader," a collection of Traynor's best-loved essays. The book will soon be available through the Journal and the Library.

The collection is accessible to researchers interested in Traynor's work on an individual basis, Collins said. The room provides superb resources for second-year students researching law journal articles dealing with Traynor's work, she said.

Collins also pointed out that Traynor's collection

might not have been preserved at all had officials at Hastings not acted promptly after Berkeley declined to accept the papers. Collins noted that similar collections could be established by the College for scholars interested in the work of other important legal theoreticians, including members of Hastings' Sixty-Five Club. ■

Bork

continued from page 9

States Supreme Court. They have thus adopted the very tactics which they so recently deplored in the context of a judicial election. We see how very evanescent is their devotion to independence of the judiciary, now that the truth be laid bare. The inconsistency here is inescapable, the hypocrisy palpable.

Though I admit uncertainty as to its origin, I am reminded of an oft-quoted aphorism: "We have seen the enemy, and he is us." One need do little violence to these words in deeming them a fitting motto of the campus anti-Bork/pro-Bird lobby.

I would not be misunderstood. I have no objection to the use of political tactics by groups in opposing justices they feel will not further the given political agenda of the group. However, such an objection was voiced by the pro-Bird group and, indeed, became its hue and cry.

He is at least honest who admits that his support of or opposition to a judicial can-

didate is motivated by a desire to further his own political agenda; however, the pro-Bird campaign of last fall, in attempting to disguise such motives by couching them in terms of "judicial independence," insulted the intelligence of the Hastings community.

To make matters worse, this same lobby has now developed against the Bork nomination the very "power politics" tactics for which it stridently denounced the campaign to oust Bird. Thus, in an ironic turn of events, the liberal lobby has implicitly repudiated the brainchild of judicial independence to which it gave birth a mere 12 months ago.

The scenario is as old as politics itself; having been wrung of its propaganda value, the principle is quietly discarded when it no longer comports with the political exigencies of the day.

It would all be comical—were it not so pathetic. ■

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